

**Court of Appeal
Fourth District, Division 2
Riverside, California**

**Minutes
October 1, 2002**

Court convened at 9:00am

Panel

Present:

Hollenhorst, Acting P.J.

McKinster, J.

Not Present:

Ramirez, P.J.

Elizabeth Ceballos, Deputy Clerk

Acting Presiding Justice Hollenhorst announced that in the absence of objection, it would be deemed stipulated that Presiding Justice Ramirez might participate in the decision of any case on this calendar. There being no objections made by any counsel present, it was deemed so stipulated and so ordered

E030638 People v. Patricia Ann Murillo

Merits. Cause called and Tonja R. Torres, Esq., argued for appellant; Marvin E. Mizell, Deputy Attorney General, argued for respondent. Cause submitted.

Court recessed.

Court reconvened.

Panel 1b

Present:

Hollenhorst, Acting P.J.

McKinster, J.

Gaut, J.

Elizabeth Ceballos, Deputy Clerk

E029299 Alfonso C. Mata v. Bank of America et al.

Merits. Cause called and Alan Louis Mohill, Esq., argued for appellant; Georganna Drayton, Esq., argued for respondents. Cause submitted.

E029708 Bank of America, N.A. v. Reneh Shahin et al.

Merits. Cause called and Christopher D. McIntire, Esq., argued for appellants; Holly Hayes, Esq., argued for respondent. Cause submitted.

Court recessed.

Court reconvened.

Panel 1

Present:

Hollenhorst, Acting P.J.

McKinster, J.

Not Present:

Ramirez, P.J.

Elizabeth Ceballos, Deputy Clerk

Acting Presiding Justice Hollenhorst announced that in the absence of objection, it would be deemed stipulated that Presiding Justice Ramirez might participate in the decision of any case on this calendar. There being no objections made by any counsel present, it was deemed so stipulated and so ordered

**E031347 In re Angel D. et al., Persons Coming Under the Juvenile Court Law.
Department of Public Social Services v. George D.**

Merits. Cause called and Leslie A. Barry, Esq., argued for appellant; Robert Pepper, Deputy County Counsel, argued for respondent; Sharon M. Jones, Esq., argued for the minors. Cause submitted.

Court recessed.

Court reconvened.

Panel 1a

Present:

Hollenhorst, Acting P.J.

McKinster, J.

Richli, J.

Elizabeth Ceballos, Deputy Clerk

**E030491 In re Theresa H. et al., Persons Coming Under the Juvenile Court
Law.**

Department of Children's Services v. Janice H.

Merits. Cause called and Melissa A. Chaitin, Esq., argued for appellant; Joanne Fenton, Deputy County Counsel, argued for respondent; Sharon Rollo, Esq., argued for the minors. Cause submitted.

Court recessed.

Court reconvened at 1:30pm

Panel 2

Present:

Richli, Acting P.J.

Ward, J.

Gaut, J.

Madeline Mozee, Deputy Clerk

E030668 People v. Andras P. Schaffer

Merits. Cause called and Jeffrey A. Needelman, Esq., argued for appellant; Daniel Rogers, Deputy Attorney General, argued for respondent. Cause submitted.

E029092 People v. Jeffrey A. Kelce

Merits. Cause called and Marta I. Stanton, Esq., argued for appellant; Daniel Rogers, Deputy Attorney General, argued for respondent. Cause submitted.

E029239 People v. Jason Thomas et al.

Merits. Cause called and Deanna F. Lamb, Esq., argued for appellant Clyde Banks, appearance waived for appellant Thomas; Holley Hoffman, Deputy Attorney General, argued for respondent. Cause submitted.

E029514 People v. Antonio Jimenez Enriquez

Merits. Cause called and Peter B. Clarke, Esq., argued for appellant; Frederick R. Millar, Jr., Deputy Attorney General, argued for respondent. The Panel allows counsel to argue a petition for writ of mandate, E032451. Cause submitted.

E029875 People v. Walter Evans

Merits. Cause called and Robert W. Gehring, Esq., argued for appellant; David Delgado-Rucci, Deputy Attorney General, argued for respondent. Cause submitted.

E029895 People v. Brian D. Estler

Merits. Cause called and Beatrice C. Tillman, Esq., argued for appellant; David Delgado-Rucci, Deputy Attorney General, argued for respondent. Cause submitted.

E030190 People v. James E. Trammel

Merits. Cause called and Stephen M. Lathrop, Esq., argued for appellant; Larissa Karpovics Hendren, Deputy Attorney General, argued for respondent. Cause submitted.

E030488 People v. Michael Lainez

Merits. Cause called and Sylvia W. Beckham, Esq., argued for appellant; Daniel Rogers, Deputy Attorney General, argued for respondent. Cause submitted.

E030742 People v. Andre L. Walton

Merits. Cause called and Alisa A. Shorago, Esq., argued for appellant; Matthew Mulford, Deputy Attorney General, argued for respondent. Cause submitted.

Court adjourned.

**E032195 Ontario Christian School Association, Inc. v. The Superior Court of
the State
of California for the County of San Bernardino; Elgene Van Dyk.**

Petition granted.

Richli, Acting P.J.

We concur: Hollenhorst, J., Gaut, J.

**Court of Appeal
Fourth District, Division 2
Riverside, California**

**Minutes
October 2, 2002**

Court convened at 9:00am

Panel 3
Present:
Hollenhorst, Acting P.J.
Richli, J.
Not Present:
Ramirez, P.J.
Steve McElroy, Deputy Clerk

Acting Presiding Justice Hollenhorst announced that in the absence of objection, it would be deemed stipulated that Presiding Justice Ramirez might participate in the decision of any case on this calendar. There being no objections made by any counsel present, it was deemed so stipulated and so ordered

E029790 Paige Linn et al. v. Nancy Moffitt et al

Merits. Cause called and Robert Gerstein, Esq., argued for appellants; Douglas Sanders, Esq., argued for respondent Nancy Moffitt; Stuart E. Cohen, Esq., argued for respondent Phillips & Spencer et al.; Jeffrey E. Fromberg, Esq., argued for Pamela Green et al.. Stuart Cohen moves the court to take judicial notice of documents submitted to the court. Robert Gerstein objects. Court receives documents and takes request under reservation. Cause submitted.

**E030888 In re the Marriage of Mary and Mervin Barham
Mary Barham v. Mervin Barham**

Merits. Cause called and Mary L. Gosney, Esq., argued for appellant; James W. Wiley, Esq., argued for respondent. Cause submitted.

Court recessed.

Court reconvened at 1:30pm

Panel 4

Present:
McKinster, Acting P.J.
Ward, J.
Gaut, J.
Kelly Conn, Deputy Clerk

**E031103 In re Victoria H., a Person Coming Under the Juvenile Court Law.
Department of Public Social Services v. Steve A. et al.**

Merits. Cause called and Richard Pfeiffer, Esq., argued for appellants; Robert M. Pepper, Deputy County Counsel, argued for respondent Department of Public Social Services; Karen Dodd, Esq., argued for the minor. Cause submitted.

E028807 Talal Muhtaseb et al. v. Randall Haskin

Merits. Cause called and Jesse S. Salas, Esq., argued for appellant; Barry R. Swan, Esq., argued for respondents. Cause submitted.

E030753 Karen Hartfield v. Jack Sawyer et al.

Merits. Cause called and Janet May Oldfield, Esq., argued for appellant; Carol T. Kavanaugh, Esq., argued for Ray Graves et al.; Vivian L. Schwartz, Esq., argued for Jack Sawyer et al. Cause submitted.

E029190 Jane Doe 1 v. City of Murrieta et al.

Merits. Cause called and Paul W. Ralph, Esq., argued for appellants; Alison M. Turner, Esq., argued for City of Murrieta et al.; Cause submitted.

E029736 Ruben Garcia et al. v. ARCS Mortgage, Inc. et al.

Merits. Cause called and Andrea Bierstein, Esq., argued for appellants; Jan T. Chilton, Esq., argued for respondents. Cause submitted.

Court ajourned.

**E029446 Pacific Gas & Electric Company v. California
Department of Transportation**

Opinion

Judgment reversed.

Ward, J.

We concur: Hollenhorst, Acting P.J., Richli, J.

**E030034 In re the Marriage of Samir Soliman and Neveen Tadros
Samir Soliman v. Neveen Tadros**

Opinion

Judgment affirmed.

Ward, J.

We concur: McKinster, Acting P.J., Richli, J.

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E030128 Medical Education Services, Inc. v. Sutherland Holdings, LTD. et al.

Appellants' petition for rehearing is denied.

**Court of Appeal
Fourth District, Division 2
Riverside, California**

**Minutes
October 3, 2002**

**E031558 In re the Marriage of Theresa J. and Matt W. Ream.
Theresa J. Ream v. Matt W. Ream**

Opinion

Judgment affirmed.

Gaut, J.

We concur: McKinster, Acting P.J., Richli, J.

E027487 In re the Marriage of Henry Nickel and Madeline Nickel

Opinion

Henry Nickel v. Madeline Nickel

Judgment affirmed.

Gaut, J.

We concur: McKinster, Acting P.J., Ward, J.

E030668 People v. Andras P. Schaffer

Opinion

Judgment affirmed with directions.

Ward, J.

We concur: Richli, Acting P.J., Gaut, J.

E030115 City of Corona et al. v. County of Riverside et al.

Petition for rehearing denied.

E031281 Hal B. Westfield et al. v. Joan Berry

Opinion

Judgment affirmed.

Gaut, J.

We concur: McKinster, Acting P.J., Richli, J.

**Court of Appeal
Fourth District, Division 2
Riverside, California**

**Minutes
October 4, 2002**

E030991 People v. Brian Kelly McAvoy

Opinion

Judgment affirmed.

Richli, J.

We concur: McKinster, Acting P.J., Gaut, J.

E030021 Shadowrock v. State of California et al.

Opinion

Judgment affirmed.

McKinster, Acting P.J.

We concur: Richli, J., Ward, J.

E030400 People v. Alfred Willie Patterson

Opinion

Judgment affirmed.

McKinster, Acting P.J.

We concur: Richli, J., Gaut, J.

E032089 David N. v. Superior Court; Department of Children's Services

Opinion

Petition denied.

Ward, J.

We concur: McKinster, Acting P.J., Richli, J.

**E031188 In re Joseph M., a Person Coming Under Juvenile Court Law;
People v. Joseph M.**

Opinion

Judgment affirmed.

Richli, J.

We concur: McKinster, Acting P.J., Gaut, J.

E030953 People v. Daniel Mares Perez

Opinion

Judgment affirmed.

Gaut, J.

We concur: McKinster, Acting P.J., Richli, J.

E030422 In re the Marriage of Jeffrey J. and Tara C. Holt
Jeffrey Holt v. Tara Holt

Opinion

Judgment affirmed.

Gaut, J.

We concur: Ramirez, P.J., Hollenhorst, J.

**Court of Appeal
Fourth District, Division 2
Riverside, California**

**Minutes
October 7, 2002**

E030488 People v. Michael Sidney Lainez

Opinion

Judgment affirmed with directions.

Gaut, J.

We concur: Richli, Acting P.J., Ward, J.

**Court of Appeal
Fourth District, Division 2
Riverside, California**

**Minutes
October 8, 2002**

E029720* People v. John P. Betts

Opinion

Judgment affirmed.

Ramirez, P.J.

We concur: McKinster, J., Gaut, J.

*CERTIFIED FOR PARTIAL PUBLICATION.

E029190* Jane Doe 1, etc., et al., v. City of Murrieta et al.

Opinion

Judgment affirmed in part with directions, reversed in part.

Gaut, J.

We concur: McKinster, Acting P.J., Ward, J.

*CERTIFIED FOR PUBLICATION

E030190 People v. James E. Trammel

Opinion

Judgment affirmed.

Gaut, J.

We concur: Richli, Acting P.J., Ward, J.

E029875 People v. Walter Evans

Opinion

Judgment affirmed in part, reversed in part, and remanded with directions.

Gaut, J.

We concur: Richli, Acting P.J., Ward, J.

E029239 People v. Jason Latrell Thomas et al.

Opinion

Judgment affirmed with modification.

Gaut, J.

We concur: Richli, Acting P.J., Ward, J.

E029895 People v. Brian Donald Estler

Opinion

Judgment affirmed.

Gaut, J.

We concur: Richli, Acting P.J., Ward, J.

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**E031103 In re Victoria H., a Person Coming Under the Juvenile Court Law.
Department of Public Social Services v. Steve A. et al.**

Opinion

Judgment affirmed.

Gaut, J.

We concur: McKinster, Acting P.J., Ward, J.

E030742 People v. Andre Lazzel Walton

Opinion

Judgment affirmed.

Gaut, J.

We concur: Richli, Acting P.J., Ward, J.

E030753 Karen Hartfield v. Jack Sawyer et al.

Opinion

Judgment affirmed.

Ward, J.

We concur: McKinster, Acting P.J., Gaut, J.

E029092 People v. Jeffrey Allen Kelce

Opinion

Judgment affirmed with modifications.

E031163 In re Jeffrey Allen Kelce, on Habeas Corpus

Petition denied.

Gaut, J.

We concur: Richli, Acting P.J., Ward, J.

**Court of Appeal
Fourth District, Division 2
Riverside, California**

**Minutes
October 9, 2002**

No Minutes for October 9, 2002.

**Court of Appeal
Fourth District, Division 2
Riverside, California**

**Minutes
October 10, 2002**

E029514 People v. Antonio Jimenez Enriquez

Opinion

Judgment affirmed with directions.

Gaut, J.

We concur: Richli, Acting P. J., Ward, J.

E029413 People v. Joseph Albert Tiamzon

Opinion

Judgment affirmed.

E031498 In re Joseph Albert Tiamzon, on Habeas Corpus.

Petition denied.

Ward, J.

We concur: Ramirez, P.J., Hollenhorst, J.

**E031909 Angela D. v. The Superior Court of the County of Riverside,
Riverside County Department of Public Social Services.**

Opinion

Petition Denied.

Gaut, J.

We concur: McKinster, Acting P.J., Richli, J.

E029416* People v. James Clenzo Burris, Jr.

Opinion

Judgment affirmed.

Richli, J.

We concur: McKinster, Acting P. J., Gaut, J.

*CERTIFIED FOR PARTIAL PUBLICATION

**E031858 In re Isabel S. et al., Persons Coming Under the Juvenile Court Law.
Department of Public Social Services v. Juanita B.**

Opinion

Judgment affirmed.

McKinster, Acting P.J.

We concur: Richli, J., Gaut, J.

E030347 People v. Thomas C. Weatherwax

Opinion

Judgment affirmed.

McKinster, Acting P.J.

We concur: Richli, J., Gaut, J.

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E029947 People v. Jesus R. Solorio

Opinion

Judgment affirmed.

Richli, J.

We concur: McKinster, Acting P.J., Gaut, J.

**Court of Appeal
Fourth District, Division 2
Riverside, California**

**Minutes
October 11, 2002**

E030669 People v. Michael Smith

Opinion

Judgment affirmed.

Richli, J.

We concur: Ramirez, P.J., Ward, J.

E030468 People v. Abraham Mendoza

Opinion

Judgment affirmed as modified.

Richli, J.

We concur: McKinster, Acting P.J., Gaut, J.

**Court of Appeal
Fourth District, Division 2
Riverside, California**

**Minutes
October 14, 2002**

Holiday.

**Court of Appeal
Fourth District, Division 2
Riverside, California**

**Minutes
October 15, 2002**

E028828 Frank E. Bator v. Jerry L. Carty et al.

Defendants, Cross-complainants and Appellants' petition for rehearing is denied.

E031219 People v. Marc Andrew Guevara

Opinion

Judgment affirmed.

Ramirez, P.J.

We concur: McKinster, J., Richli, J.

E031101 People v. John Alexander Markland

Opinion

Judgment affirmed.

Ramirez, P.J.

We concur: Hollenhorst, J., Ward, J.

**Court of Appeal
Fourth District, Division 2
Riverside, California**

**Minutes
October 16, 2002**

E031148 The People v. Legion Insurance Company

Opinion

Judgment affirmed.

Richli, J.

We concur: McKinster, Acting P.J., Ward, J.

E031678 People v. Juan Manuel Castro

Opinion

Judgment affirmed.

Ramirez, P.J.

We concur: Hollenhorst, J., Ward, J.

**Court of Appeal
Fourth District, Division 2
Riverside, California**

**Minutes
October 17, 2002**

**E031316 In re David C., a Person Coming under the Juvenile Court Law.
People v. David C.**

Opinion

Judgment reversed.

Richli, J.

We concur: McKinster, Acting P.J., Ward, J.

E031491 People v. Javier Lopez Monroy

Opinion

Judgment affirmed.

Richli, J.

We concur: Ramirez, P.J., McKinster, J.

**E031131 In re Julio S., A Person Coming Under the Juvenile Court Law
People v. Julio S.**

Opinion

Judgment affirmed.

Richli, J.

We concur: McKinster, Acting P.J., Gaut, J.

**E031081 In re Dominique H., A Person Coming Under the Juvenile Court Law
People v. Dominique H.**

Opinion

Judgment affirmed.

Richli, J.

We concur: McKinster, Acting P.J., Gaut, J.

E031025 People v. James Kenneth Maddelena

Opinion

Judgment affirmed.

Richli, J.

We concur: McKinster, Acting P.J., Gaut, J.

**Court of Appeal
Fourth District, Division 2
Riverside, California**

**Minutes
October 18, 2002**

E030390 County of San Bernardino v. Robert A. Tamashiro
Appellant's petition for rehearing is denied.

E029736* Ruben Garcia et al. v. ARCS Mortgage, Inc. et al.
Opinion

E029744* Ruben Garcia et al. v. ARCS Mortgage, Inc. et al
Judgment affirmed in part, reversed in part with directions.
McKinster, Acting P.J.
We concur: Ward, J., Gaut, J.
*Consolidated

**E030491* In re Catherine H., A Person Coming Under the Juvenile Court Law
Department of Children's Services v. Janice H.**
Opinion
Judgment affirmed in part, reversed in part.
Richli, J.
We concur: Hollenhorst, Acting P.J., McKinster, J.
*Certified for Partial Publication.

**E031864 In re Shanyka A. et al., Persons Coming Under the Juvenile Court
Law**
Department of Children's Services v. She'ree M.
Opinion
Judgment affirmed.
McKinster, Acting P.J.
We concur: Richli, J., Gaut, J.

E030492 People v. Michael Anthony Cobbos
Opinion
Judgment affirmed.
Richli, J.
We concur: McKinster, Acting P.J., Gaut, J.

**E030982 In re Juliette L. et al., Persons Coming Under the Juvenile Court
Law.**

Department of Public Social Services v. Yana L.

Opinion

Judgment affirmed.

Hollenhorst, Acting P.J.

We concur: Ward, J., Gaut, J.

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**E030932 In re the Marriage of Eric and Zolia Gibb.
Eric Life v. Zolia Gibb**

Opinion

Judgment affirmed.

Hollenhorst, Acting P.J.

We concur: Richli, J., Gaut, J.

**Court of Appeal
Fourth District, Division 2
Riverside, California**

**Minutes
October 21, 2002**

No Minutes for October 21, 2002.

**Court of Appeal
Fourth District, Division 2
Riverside, California**

**Minutes
October 22, 2002**

E031326 People v. Marquis Perdue

Opinion

Judgment affirmed.

Hollenhorst, J.

We concur: Ramirez, P.J., Ward, J.

**E030689 In re Vincente S., a Person Coming Under the Juvenile Court Law.
People v. Vicente S.**

Opinion

Judgment affirmed.

Hollenhorst, J.

We concur: Ramirez, P.J., Ward, J.

E030106 People v. William Taylor

Opinion

Judgment affirmed.

Hollenhorst, J.

We concur: Ramirez, P.J., Ward, J.

E030851 People v. Byron L. Wattree

Opinion

Judgment affirmed.

Hollenhorst, J.

We concur: Ramirez, P.J., Ward, J.

E030374 Gary J. Bryant v. Tamar C. Stein et al.

Opinion

Judgment affirmed and remanded with directions.

Hollenhorst, Acting P.J.

We concur: Richli, J., Ward, J.

E030560 Citizens To Save Our Rural Habitat v. City of Chino Hills et al.;

Catellus Residential Group et al.

Opinion

Judgment affirmed.

Hollenhorst, Acting P.J.

We concur: Ward, J., Gaut, J.

E029875 People v. Walter Evans
Petition for rehearing denied.

**Court of Appeal
Fourth District, Division 2
Riverside, California**

**Minutes
October 23, 2002**

**E030888 In re the Marriage of Mary and Mervyn Barham
Mary Barham v. Mervyn Barham**

Opinion

Judgment affirmed.

Richli, J.

We concur: Ramirez, P.J., Hollenhorst, J.

E029299 Alfonso C. Mata v. Bank of America, et al.

Opinion

Judgment affirmed.

Hollenhorst, Acting P.J.

We concur: McKinster, J., Gaut, J.

E029190 Jane Doe 1, etc. et al., v. City of Murrieta et al.

Respondents' petition for rehearing denied.

E030638* People v. Patricia Ann Murillo

Opinion

Judgment reversed with directions.

Hollenhorst, J.

We concur: Ramirez, P.J., McKinster, J.

*CERTIFIED FOR PUBLICATION

E032223 Melinda S. v. Superior Court; Department of

Opinion

Children's Services

Petition denied.

Hollenhorst, J.

We concur: Ramirez, P.J., Ward, J.

**Court of Appeal
Fourth District, Division 2
Riverside, California**

**Minutes
October 24, 2002**

E031347 In re Angel D., a Person Coming Under the Juvenile Court Law;

Department of Public Social Services v. George D.

Opinion

Judgment affirmed.

McKinster, J.

We concur: Ramirez, P.J., Hollenhorst, J.

**Court of Appeal
Fourth District, Division 2
Riverside, California**

**Minutes
October 25, 2002**

E029708 Bank of America v. Rench Shahin et al.

Opinion

Judgment reversed.

Hollenhorst, Acting P.J.

We concur: McKinster, J., Gaut, J.

**Court of Appeal
Fourth District, Division 2
Riverside, California**

**Minutes
October 28, 2002**

E030638 People v. Patricia Ann Murillo

Modification of

Opinion

No change in judgment.

Hollenhorst, J.

We concur: Ramirez, P.J., McKinster, J.

Certified for Publication

**Court of Appeal
Fourth District, Division 2
Riverside, California**

**Minutes
October 29, 2002**

No Minutes for October 29, 2002.

**Court of Appeal
Fourth District, Division 2
Riverside, California**

**Minutes
October 30, 2002**

No Minutes for October 30, 2002.

**Court of Appeal
Fourth District, Division 2
Riverside, California**

**Minutes
October 31, 2002**

E029823 Harry Gibson et al. v. World Savings and Loan Association etc.
Submission is hereby vacated and the cause resubmitted this date